

## **Permitted Yard Encroachments**

### **SECTION 2307: PERMITTED YARD ENCROACHMENTS**

Encroachments may be made upon required yards under the following conditions: [amended 10/02]

1. Architectural elements: Existing buildings or structures shall be permitted to encroach upon the minimum setback requirements of this Ordinance with architectural elements that are necessary to the integrity of the structure of the building, or health or safety of the occupants such as cornices, gutters, chimneys, pilasters, outside stairways, fire escapes, and similar features. Such features may project into a required setback area no more than five (5) feet.
2. Patios, porches and decks: Patios and uncovered decks no more than two feet above grade may be built to the rear or side property line where an established fence line exists. If no established fence line exists, patios and uncovered decks no more than two feet above grade must be a minimum of three (3) feet from rear and side property lines. All decks or porches more than two feet above grade, must comply with the setback requirements of the principal structure. [amended 7/03]
3. Unenclosed structures, front yard: Unenclosed porches, steps or similar facilities may project into a required front setback for a distance not to exceed five (5) feet. In the case of a handicap wheelchair ramp, the Zoning Administrator may waive setback requirements at his/her discretion, if no other options are available to provide a ramp, provided that the applicant agrees to remove the ramp if it is no longer necessary on the property. A performance letter or performance guarantee may be required. [amended 8/00]
4. Additions: Additions to homes on minor streets (not collectors), built in subdivisions ninety percent (90%) developed with homes prior to 1940 may encroach upon existing yards so long as:
  - a. A minimum 10 foot front setback is maintained
  - b. A minimum 15 foot rear setback is maintained
  - c. Lot coverage, with accessory structures does not exceed 50% [amended 8/00]
  - d. The addition does not further encroach upon existing side yards